

PLANNING COMMISSION MINUTES

October 7, 2008

7:00 P.M.

Present: Chairman Clark Jenkins, Michael Allen, Dave Badham, Ray Keller, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Vice Chairman Tom Smith and Barbara Holt.

Clark Jenkins welcomed Councilman John Knight and all those present.

Beth Holbrook made a motion to approve the minutes for September 16, 2008 as amended. Dave Badham seconded the motion and voting was unanimous in favor.

- 1. PUBLIC HEARING CONTINUED** - Consider a Conditional Use Permit to allow building a cell tower located at 727 N. 400 E. Lindquist Mortuary, T-Mobile, applicant.

Jared White, representing T-Mobile, was present. Aric Jensen explained that T-Mobile West Corporation is requesting a conditional use permit to construct a cell tower. This item was originally discussed at the September 16th Planning Commission and continued in order for the applicant to provide additional information. A revised version of the coverage map, showing the cell tower in the correct location on the Lindquist Mortuary property, was presented.

Mr. Jensen continued saying that at the previous meeting, the Commission discussed some alternative locations for the proposed tower, one of which was a West Bountiful City water tank. Earlier this week, Staff made a field trip to the water tank site, and could not find anything that would preclude it from being used for a cell tower. Following the site visit, Staff called West Bountiful City and was told that they had not been contacted about using the site for a cell tower.

The public hearing was opened for all those with comments or concerns.

Jared White explained that more people are disconnecting their in-home phone lines and replacing them with cell phones. In this area, T-Mobile customers are also discontinuing their service and using other companies because of dropped calls. T-Mobile needs to have additional coverage for their customers and the proposed location will give the best coverage. Approval of this location will allow T-Mobile to build one tower rather than two separate towers at different locations.

Mr. White has looked at the West Bountiful location but the property will not give the coverage that is needed. He also contacted the Pastors from the Grace Baptist Church and the First Southern Baptist Church, and neither would give permission to locate a tower.

Russell Mahan reviewed the requirements for a conditional use permit which are as follows:

14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:
 - 1. The location of the proposed use shall not be detrimental to the general well-being of the community and the neighborhood.
 - 2. The proposed use and/or accompanying improvements shall not inordinately impact school, utilities and streets, and shall stress the following criteria; Appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses.
 - 3. The applicant, at his or her cost, shall provide and report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

Mr. Mahan continued by saying that the Federal Communication Act states that any health effects cannot be considered for denial of a tower.

Mr. Jensen explained that Staff recommends that the Commission continue this item and request that the applicant conduct a feasibility analysis of the West Bountiful property. If the Commission determines that the applicant has provided sufficient information to approve the proposed cell tower, it should be done with the following conditions:

- 1. The main pole shall not exceed 18 inches in diameter at any point above ground level.
- 2. Any cell array shall not protrude horizontally more than 3 feet from the side of the main pole.

3. The height of the pole and any attachment shall not extend more than 80 feet above the level of the existing parking lot, as measured at the closest point to the proposed tower.
4. All equipment and related infrastructure shall be located behind a locked, 6' high, open style, fenced enclosure.
5. The area around the fenced enclosure shall be landscaped with only partially obscuring plants for security and aesthetic reasons.
6. All work, including any future co-location or modification, shall be done after receiving a Bountiful City building permit.

There was a discussion regarding the requirements of the Federal Law, the size of the arms on the tower, another location, and the obligations of the City.

The public hearing was closed without further comments.

Dave Badham made a motion to grant a conditional use permit to allow a cell tower at 727 N. 400 E. subject to the conditions outlined by Staff with the following modification and addition:

1. The main pole shall not exceed ~~18~~ 24 inches in diameter at any point above ground level.
7. No surface mounted wires/conductors shall be allowed.

This is based on the finding that the reasonably anticipated detrimental effects can be mitigated through these conditions.

Beth Holbrook seconded the motion and voting past by majority vote with Clark Jenkins, Michael Allen, Dave Badham and Beth Holbrook voting "aye." Ray Keller voted "nay."

Councilman John Knight introduced Bryn Sieverts, Youth Council Planner, who has been assigned to the Planning Commission. Bryn will be attending the Planning Commission meeting and reporting back to the Youth Council.

2. PUBLIC HEARING - Consider preliminary and final PUD plat approval for Orchard Drive Business Complex located at 2084 S. Orchard Dr., Matt Carter, applicant.

Matt Carter, applicant, was present. Paul Rowland explained that in September 2007 the Planning Commission and City Council approved this project as a 20-unit residential condominium development with one large commercial pad. Mr. Carter has completed approximately 10 of the residential units, with 5 more under construction, and is now ready to record the plat so that he can start to sell them. As required by the development plan approval, only the first 15 units have been constructed, with the other 5 waiting for the construction of the commercial portion of the development. No permit will be issued for the final five residences until a permit for the commercial pad has been issued. Mr. Carter has already received a permit for the demolition of the old gas

station on Orchard Drive.

The Commission Members had a copy of the approved site plan, which also serves as the preliminary plat, and a copy of the final plat. Mr. Carter has several closings scheduled in the upcoming weeks, and he has already begun to gather signatures on the plat. Since a large portion of this project has already been constructed, Mr. Carter has satisfied all of the fees and bonding requirements related to the site improvements.

Staff recommends preliminary and final plat approval of the Orchard Drive Business Complex PUD with the findings that it is consistent with the approved site plan and that it meets all of the criteria for preliminary and final subdivision plat approval, with the condition that Mr. Carter submits a current title report.

The public hearing was opened for all those with comments and concerns.

The public hearing was closed without comments.

After a brief discussion Michael Allen made a motion to recommend to the City Council preliminary and final PUD plat approval for the Orchard Drive Business Complex PUD subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

3. Consider final commercial site plan approval for Lakehills Medical Building 2, located at 439 E. Medical Dr., Neall Humphrey, applicant.

Neall Humphrey, applicant, was present. Aric Jensen explained that Mr. Humphrey is requesting final site plan approval for the Lakehills Medical Building #2, which is an exact copy of the existing Lakehills Medical Building located at 469 East Medical Drive. The Planning Commission previously reviewed this item on September 16th and recommended preliminary approval with several conditions.

The Commission Members reviewed a copy of the revised site plan showing an increased setback at the corner and the requested grading and elevation information and a copy of the proposed site plan, which contains both tree and shrub screening as requested by the Commission. Mr. Jensen stated that it appears that all of the information required by the Commission and Staff has been provided except for the letter from the Fire Marshall regarding fire suppression. As anticipated, the applicant declined to install a sand/oil separator.

Staff recommends final site plan approval for the Lakehills Medical Office Building #2 with the following conditions:

1. Any additional redline corrections be made.

2. A fire suppression line be shown meeting the approval if the Fire Marshall, or a letter be provided from the Fire Marshall/building official stating that a fire suppression system is not required.

Beth Holbrook made a motion to recommend to the City Council final commercial site plan approval for Lakehills Medical Building #2 subject to the conditions outlined by Staff. Ray Keller seconded the motion and voting was unanimous in favor.

4. Consider final subdivision approval for Helen B. Jensen Subdivision located at 3139 S. Crestview Circle, Helen Jensen, applicant.

Jerry Preston, representing Helen Jensen, was present. Paul Rowland explained that Helen Jensen has submitted the final plat of the proposed lot split subdivision at 3139 South Crestview Circle. The conditions discussed at the time of the preliminary approval pertaining to the rear lot line location and easements have been met on the plat as shown.

While this subdivision is splitting a lot in an existing subdivision, Mr. Rowland believes it meets the requirements of the City Councils policy on lot splits for the following reasons:

- a. The existing lot already fronts two streets so the new lot will front onto Orchard Drive, away for Crestview Circle.
- b. The new lot does not obstruct any homes in the existing subdivision except the one requesting the split.
- c. Similar subdivision approval was granted to the adjacent lot three years ago, with the findings that it would not adversely affect the existing homes in the Irfred Park Subdivision.

Because this lot is in an existing subdivision, the City Council will need to hold a public hearing and adopt an ordinance vacating this parcel from the existing Irfred Park Subdivision before the new plat can be recorded.

Since this is a double fronting lot and has the ability to be split with the newly created lot having frontage on an existing street away from the other homes in subdivision, and because both new lots exceed the minimum requirements of the zone, Staff recommends that the Planning Commission send a favorable recommendation to the City Council for Final Approval of the Helen B. Jensen Subdivision with the following conditions:

1. The sidewalk and circular/turn-around driveway be provided when a building permit is granted and a home built on the new lot.
2. The new lot be required to have a 30' setback from Orchard Drive to provide for the circular driveway and to provide a little more separation from the street.
3. An easement in favor of lot 3-B be provided along the south line of lot 3-A to provide for the new sewer lateral.

4. Provide a current Title Report for the property.
5. The existing parcel be vacated from Irfred Park Subdivision by ordinance of the City Council.
6. Make minor corrections per redlines.
7. Payment of the following Fees:

Storm Water Impact Fee	0.499x\$2,100.00=	963.90
Checking Fee		200.00
Recording Fee		<u>50.00</u>
Total=		1,213.90

Michael Allen made a motion to recommend to the City Council final subdivision approval for Helen B. Jensen Subdivision located at 3139 S. Crestview Circle subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

5. Consider final commercial site plan approval for Silver Creek Commercial Complex located at 500 N. 500 W. also consider final commercial building approval for Mike & Sterling's Flooring located at 468 N. 500 W., Northern Utah Partners, applicants.

Jeremy Terry and Brett Jensen, applicants, were present. Aric Jensen explained that the applicants are requesting final site plan approval for the Silver Creek Commercial Center, and building design approval for the Mike and Sterling's Flooring Building. As shown on the proposed site plan, there will be several buildings within this development; however, Mike and Sterling's is the only one ready for approval at this time. The other buildings will come in for individual review as they become ready.

The Planning Commission reviewed this item on August 19, 2008 and recommended preliminary site plan approval. At that meeting there was some confusion regarding the proposed site plan and some possible future changes based on final tenant needs. The existing plan is based on the exact same layout the Commission viewed previously. If the applicants wish to change the layout to accommodate future tenants, they will need to submit an amended site plan.

Mr. Jensen continued to explain that the applicants have made all of the changes requested by the Commission and Staff, except for looping the water line and providing a complete landscape plan. The single biggest change is the addition of an underground storm drain detention system in front of the Mike and Sterling's building. The system is designed with a sump pump and a bubble up box located in the park strip. While not the most desirable type of detention system, it is probably the best option for this location since there is no storm drain to tie into.

Currently the site plan shows a single 8" water line entering the project from 500 West and running to a fire hydrant near the center of the project. The hydrant location looks fine, however, the City Engineer requires that the fire line be looped between 400 North and 500 West instead

of simply stubbed in. With the addition of the looped water line there will be more than ample culinary water for this development.

The site plan shows the area to be landscaped, but does not include a planting plan. One of the conditions for final approval should be that applicant provide a complete landscape plan drafted by a licensed landscape architect, as required by ordinance.

The commercial pad on 400 North will most likely become a fast food restaurant. The applicants are currently in negotiations with a tenant and the exact configuration of that particular building will be shown on an amended site plan at future date.

Mr. Jensen presented a color and materials board submitted by the applicants. All of the structures in the development will use similar materials and colors. The Mike and Sterling's Building is essentially the prototypical retail/warehouse building. It is constructed out of a mix of split-faced and honed CMU (cement block), as shown on the project materials board. The doorways will be protected by heavy timber gable-like roof protrusions. The offices and display areas will face 500 West and provide an attractive street presence.

Staff recommends final site plan approval of the Silver Creek Commercial Center, and final commercial building approval of the Mike and Sterling's building, with the following conditions:

1. The 8-inch fire line be looped between 500 West and 400 North and an accompanying easement be provided.
2. The applicant provide a complete landscape plan stamped by a licensed Utah Landscape Architect.
3. The applicant provide written access approval from UDOT.
4. Any other redline corrections be made prior to final submittal.

Paul Rowland explained that the existing site is very flat without any underground storm drain system. Mr. Rowland and Scott Argyle, project engineer with Hill & Argyle, have been working with UDOT to design a structure to drain the water to the street, possibly in a pipe under the street or a pipe under the sidewalk.

Mr. Rowland suggested that the Planning Commission give site plan approval as submitted and allow Staff the authority to make the decision on the storm drain system.

Ray Keller made a motion to recommend to the City Council final commercial site plan approval for Silver Creek Commercial Complex and final commercial building approval for Mike & Sterling's subject to the conditions outlined by Staff with the following amendment:

3. The applicant provide written access and storm drain approval from UDOT.

Dave Badham seconded the motion and voting was unanimous.

7. PUBLIC HEARING - Chapter 14 Land Use Ordinance text amendments.

Clark Jenkins asked all those with comments to give their name and address when the item is presented.

The public hearing was opened for all those with comments and concerns.

Aric Jensen explained that he is proposing the following amendments to the Land Use Ordinance.

Commercial Subdivisions

Allow fully improved easements, maintained by an owner's association, to satisfy frontage requirements when subdividing commercial developments.

Property Consolidation

If somebody owns two or more parcels and decides to build across them, those parcels shall be combined into a single parcel so that they cannot be separated except by a new subdivision plat meeting current ordinances.

PO-N Zone Refinement

1. The current ordinance only allows a 4 square foot bronze plaque mounted on the main building. This is not large enough for people driving down 500 South to locate a business, and creates an unsafe driving situation.
2. Low impact medical uses such as optometrists and chiropractors are interested in locating along 500 South. Are these uses appropriate, and if so, how do we distinguish them from other medical businesses that generate higher traffic volumes.
3. Should we allow side parking lots in locations where the lot/site is wider than it is deep.
4. South Temple in Salt Lake has wide park strips with large trees that are very attractive, while 500 South has no park strips or trees.

Mr. Jensen mentioned that the business signs along 500 South are too small. He has concerns with traffic safety on this street. Mr. Jensen suggested allowing for larger signs. Mr. Jensen also suggested adding low impact medical uses (no dentists or general practitioners) in the PO Zone. Mr. Jensen has been approached by Dr. Jerry Duggar, Chiropractor, to have an office at 180 E. 500 S.

Dr. Jerry Duggar explained that the office he is interested in has only 1100 sq. Ft., which will not allow for a large number of patients. He feels that his business would comply with the PO Zone.

Mr. Dugger would like to move his present practice to this location in November, and would like approval as soon as possible so that he can make the proper arrangements for the move.

City Councilman John Knight agreed with allowing low impact medical uses in the PO Zone. If drafted as suggested (not allowing dentist and medical practitioners) he would be in favor of it.

Buck Swaney has his new business at 172 E. 500 S., and would like to have a larger sign posted on the property. Mr. Swaney presented some pictures showing the sign, which measures 3ft. X 2ft., he has had made for the business. The sign is 2sq. ft. larger than the current ordinance. If a customer is trying to find his business, they have to slow down to locate the address, which can cause a traffic hazard. Allowing a larger sign can help the situation.

Mr. Jensen then discussed several items that he would like to research in more detail and present to the Commission at a future date.

Multi-Family Zone

Add a new subzone, RM-7, to fill in the gap between the R-4 and RM-13.

Misc. Cross-Reference Corrections

There are several old code references that need to be updated. These changes probably don't actually need Commission approval since they are just bookkeeping correction, but Staff wanted to note it in the record just in case.

Oil/Sand Separator

Should the City require them, and if so, when.

Vacant And Boarded Ordinance

Salt Lake City has a "vacant and boarded" ordinance which regulates unoccupied structures. Should Bountiful have one.

Mr. Jensen reviewed and discussed all of the proposed changes to the Title 14 Land Use Ordinance and will make all the corrections and suggestions recommended by the Commission and bring back for further review.

Clark Jenkins continued the public hearing for the next meeting.

Meeting adjourned at 9:15 p.m.